

PRIMMER PIPER  
EGGLESTON &  
CRAMER PC

GARY F. KARNEDY  
ADMITTED IN VT, NH AND DC  
gkarnedy@primmer.com  
TEL: 802-864-0880  
FAX: 802-864-0328

June 13, 2019

VIA U.S. MAIL & E-MAIL


Michael Barber, Esq.  
Green Mountain Care Board  
144 State Street  
Montpelier, VT 05602

Re: MVP Health Care 2020 Vermont Health Connect  
Rate Filing – Docket No. GMCB-005-19rr

Dear Hearing Officer Barber:

On behalf of MVP Health Plan, Inc., enclosed please find *MVP's Objections to The HCA's Suggested Second Interrogatories and Certificate of Service*.

Respectfully submitted,



Gary F. Karnedy

Cc: (VIA E-MAIL ONLY)  
Susan Gretkowski, Esq.  
Kaili Kuiper, Esq.  
Jay Angoff, Esq.  
Eric Schultheis, Esq.  
Christina McLaughlin  
Amerin Aborjaily, Esq.  
Thomas Crompton

STATE OF VERMONT  
GREEN MOUNTAIN CARE BOARD

In re: MVP Health Care, Inc.	)	
2020 Vermont Health Connect Filing	)	DOCKET NO. GMCB-005-19rr
	)	
SERFF No. MVPH-131934219	)	
	)	

**MVP’S OBJECTIONS TO THE HCA’S SUGGESTED SECOND INTERROGATORIES**

MVP Health Plan, Inc., (“MVP”) by and through Primmer Piper Eggleston & Cramer PC hereby objects to the Health Care Advocate’s (“HCA”) Second Set of Actuarial and Non-Actuarial Interrogatories submitted to the Green Mountain Care Board (“Board”) on June 10, 2019 as follows:

1. On May 10, 2018, MVP filed its 2020 Rate Filing. Pursuant to *Green Mountain Care Board Rule 2.202(c)*, the HCA has thirty days to submit Requests for Information to the Board to propound to MVP.
2. On June 10, 2019, the HCA requested that the Board propound to MVP six suggested Actuarial Interrogatories and two suggested Non-Actuarial Interrogatories.
3. The Board has the discretion to limit suggested Requests for Information. *Rule 2.202(c)*.
4. In past rate filings, the Board has exercised its discretion and eliminated or narrowed the HCA’s suggested Requests for Information before propounding the HCA’s Requests for Information to MVP.
5. The Board is free to consider whether a Request for Information is unduly burdensome or overly broad taking into account the needs of the case and the importance of the particular issue at stake in the rate filing. *See V.R.C.P. 26*. Requests for Information that are unreasonably cumulative, duplicative, or obtainable from some other source that is more

convenient, less burdensome, and less expensive should be denied. *See id.* Although the Board is not bound by the Vermont Rules of Civil Procedure, they do provide a helpful guide for determining the scope of a reasonable request in this instance.

6. The Board should exercise its discretion and decline to propound the HCA's Non-Actuarial Interrogatory No. 2 to MVP, as set forth below:

**NON-ACTUARIAL INTERROGATORIES**

2. In the GMCB's decision on last year's MVP Individual and Small Group Market Rate Filing, the GMCB stated, "[MVP] must negotiate favorable pricing with hospitals." GMCB-008-18rr, Decision and Order at 15. How much, if at all, were your 2019 hospital contract prices negotiated down from the commercial rate ceilings set by the GMCB for FY 2019 hospital budgets? If they were not negotiated down, please explain why. What are your assumptions about negotiations for 2020?

**Response to Non-Actuarial Interrogatory No. 2: MVP objects to Non-Actuarial Interrogatory No. 2 as improperly seeking confidential and/or proprietary information.**

**The HCA seeks public disclosure of confidential and proprietary information and/or trade secrets pertaining to 2019 and 2020 contract negotiations. MVP has always treated information pertaining to contract negotiations with hospitals as proprietary and confidential. MVP has taken reasonable steps to protect this information and public disclosure of this information to its competitors would destroy a business advantage. Furthermore, requiring MVP to answer would likely unnecessarily disadvantage MVP in negotiating with the hospitals, and undermine and squelch frank negotiations the Board desires.**

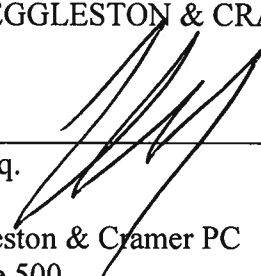
[Remainder of Page Intentionally Blank]

WHEREFORE, MVP requests that the Board exercise its discretion and decline to propound the HCA's Non-Actuarial Interrogatory No. 2 to MVP.

Dated at Burlington, Vermont, this 13<sup>th</sup> day of June 2019.

PRIMMER PIPER EGGLESTON & CRAMER PC

By:



---

Gary F. Karnedy, Esq.  
Ryan M. Long, Esq.  
Primmer Piper Eggleston & Cramer PC  
30 Main Street, Suite 500  
P.O. Box 1489  
Burlington, VT 05402-1489  
(802) 864-0880  
[gkarnedy@primmer.com](mailto:gkarnedy@primmer.com)  
[rlong@primmer.com](mailto:rlong@primmer.com)

*Attorneys for MVP Health Plan, Inc.*

STATE OF VERMONT  
GREEN MOUNTAIN CARE BOARD

In re: MVP Health Care 2020 )  
Vermont Health Connect Rate Filing ) DOCKET NO. GMCB-005-19rr  
)  
SERFF No. MVPH-131934219 )  
)

**CERTIFICATE OF SERVICE**

I, Gary F. Karnedy, Esq., hereby certify that I have served MVP Health Plan, Inc.'s *Objections to The HCA's Suggested Second Interrogatories*, via e-mail and U.S. mail upon the following:

Michael Barber, Esq.  
Green Mountain Care Board  
144 State Street  
Montpelier, VT 05602  
[Michael.Barber@vermont.gov](mailto:Michael.Barber@vermont.gov)

Jay Angoff, Esq.  
Mehri & Skalet PLLC  
1250 Connecticut Ave. NW., Suite 300  
Washington, DC 20036  
[jangoff@findjustice.com](mailto:jangoff@findjustice.com)

Kaili Kuiper, Esq.  
Office of the Health Care Advocate  
Vermont Legal Aid  
56 College Street  
Montpelier, VT 05602  
[kkuiper@vtlegalaid.org](mailto:kkuiper@vtlegalaid.org)

Eric Schultheis, Esq.  
Office of the Health Care Advocate  
Vermont Legal Aid  
56 College Street  
Montpelier, VT 05602  
[ESchultheis@vtlegalaid.org](mailto:ESchultheis@vtlegalaid.org)

Dated at Burlington, Vermont, this 13<sup>th</sup> day of June, 2019.

PRIMMER PIPER EGGLESTON & CRAMER PC

By: \_\_\_\_\_

Gary F. Karnedy, Esq.  
Primmer Piper Eggleston & Cramer PC  
30 Main Street, Suite 500  
P.O. Box 1489  
Burlington, VT 05402-1489  
(802) 864-0880  
[gkarnedy@primmer.com](mailto:gkarnedy@primmer.com)

*Attorneys for MVP Health Plan, Inc.*